



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,887	11/16/2000	Paul L. Sinclair	8779	9423
26890	7590	12/11/2007		
JAMES M. STOVER TERADATA CORPORATION 1700 SOUTH PATTERSON BLVD, WHQ5 DAYTON, OH 45479			EXAMINER AHLUWALIA, NAVNEET K	
			ART UNIT 2166	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/713,887
Filing Date: November 16, 2000
Appellant(s): SINCLAIR ET AL.

MAILED

DEC 11 2007

Technology Center 2100

Harden E. Stevens, III
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/21/2007 appealing from the Office action mailed 03/08/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: Independent claims are rejected under 35 USC § 102(b) as being anticipated by Lomet et al at U.S. 5,485,607.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-7,9-15,17-21,23-27 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Lomet et al. ('Lomet' hereinafter), US Patent 5,487,607.

With respect to claim 1,

Lomet teaches a method for use in managing data in a database system (see col. 11, lines 41-51), comprising: receiving a request to perform an operation on a set of target data residing in the database (see col. 17, lines 25-36, Lomet); executing the operation in the database on the set of target data (see col. 17, lines 45-52, Lomet); during the execution of the operation, placing an initial lock (see col. 14, lines 56- 67, Lomet) on the target data to prevent concurrent execution of at least one operation on the target data (see col. 16, lines 47-62, Lomet); and during the executing of the operation, placing a final lock on the target data (see col. 12, lines 12-26, Lomet) at a level that prevents concurrent execution of a larger set of operations (see col. 16, lines

47-62, Figs. 7, 11, Lomet).

As to claim 3,

Lomet teaches where the initial lock allows concurrent execution of operations that involve reading the target data (see col. 16, lines 60-67, Fig. 11, Lomet).

As to claim 4,

Lomet teaches where the final lock prevents concurrent execution of all operations on the target data (see col. 15, lines 59-63, Lomet).

As to claim 5,

Lomet teaches allowing a user to specify the type of lock initially placed on the data (see col. 16, lines 47-62, Figs. 7, 11, 12, Lomet).

As to claim 6,

Lomet teaches where the operation is one of the following types: a COLLECT STATISTICS operation, a CREATE INDEX operation, and an ALTER TABLE operation (see col. 13, lines 15-19, Fig. 12 Lomet).

Claim 7 have the same subject matter except "at least one storage device; at least one computing node configured to deliver data to and retrieve data from the storage device" and Lomet teaches at col. 11, lines 41-47, Fig. 12 et seq.

Claims 9-11 and 14 have the same subject matter as of claims 1, and 3-7 and essentially rejected for the same reasons as discussed above.

As to claim 12,

Lomet teaches 'multiple computing nodes and multiple storage devices, where each storage node is configured to manage storage of data on at least a subset of the storage devices' (see col. 11, lines 42-52, Fig. 12 et seq., Lomet).

As to claim 13,

Lomet teaches 'the database-management system is configured to place the lock on a block of data that is spread across more than one of the storage devices' (col. 11, lines 41-47, Fig. 12 et seq, Lomet).

Claims 15, 17-23, 27 and 30 have the same subject matter as of claims above and essentially and essentially rejected for the same reasons as discussed above.

As to claim 24,

Lomet teaches 'placing an initial lock on the target data includes placing one of the following types of locks on the target data an ACCESS lock; a READ lock; and a WRITE lock' (see col. 17, lines 37-45, Fig. 12 et seq., Lomet).

As to claim 25,

Lomet teaches 'placing a final lock on the target data includes placing an
EXCLUSIVE lock on the target data' (see col. 16, lines 47-55, Fig. 11 et seq., Lomet).

As to claim 26,

Lomet teaches 'placing an initial lock on the target data includes locking an entire
table (see col. 14, lines 56-67, Lomet).

(10) Response to Argument

Appellant argues that Lomet does not teach the features of the instant application that require placing both the initial and final locks on the same target data and requires receiving a single request to perform an operation on a set of target data.

On the contrary, Lomet teaches the placing of the initial and final locks on the same target data in column 3 lines 46 – 54 and column 4 through 5 lines 64 through 15 and column 5 lines 35 – 48. In the citations above Lomet teaches the placing of initial and final locks on the same target data. The Appellant argues that the locks placed in the reference are not on the same target data, this is however not correct and in the cited portions you learn the locks are put on the same target data and also the intended data. therefore we see that the locks are not only on the same data but a superset of this intended data and it can optionally be restricted to just a target data. Furthermore,

from figure 12 and column 8 lines 51 – 55 followed by column 17 lines 18 – 67 teach the receiving of the single request for performing an operation on a set of target data.

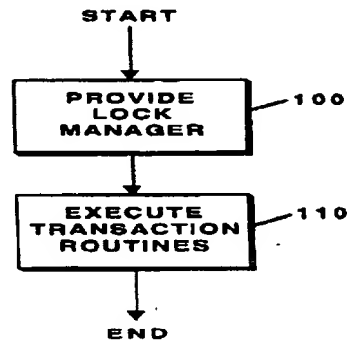


Fig. 12

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Navneet K Ahluwalia,

AU 2166

Conferees:

Hosain Alam

Supervisory Patent Examiner

Pierre Vital

Supervisory Patent Examiner